

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1676 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

MANIBEN JIVANGAR

Appearance:

MR UR BHATT for the appellant-State
MR DD VYAS for Respondent No. 1, 2, 3, 4, 5, 6,
7, 8, 9

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 01/12/2000

ORAL JUDGEMENT

The State of Gujarat, in this appeal, has
challenged the judgment and decree dated February 28,
1980 passed by the learned Civil Judge (S.D.), Porbandar,

in Special Civil Suit No. 7 of 1979, by which preliminary decree came to be drawn and the retiral benefits were granted in favour of deceased Jivangar Revagar, a workcharged employee by extending benefits under G.R., P.W.D.No.PAS/5575/45/G, dated January 8, 1976. By the said decree, the appellant was directed to move for fixation of pay and other benefits, like pension and gratuity, in favour of the heirs of deceased Jivangar and they were further directed that the fixation be carried out and completed within a period of four months from the date of the order and the amount so fixed be paid to the heirs and legal representatives of deceased Jivangar, who was the original plaintiff in the above referred to suit.

2. It has been pointed out by the learned counsel for the respondents-original plaintiffs that as the appellant had failed to deposit the amount as directed by the High Court, stay against drawing of final decree granted by the High Court was vacated. The Trial Court thereafter had drawn final decree on August 16, 1991, which is not challenged by the appellant in the higher forum. Counsel for the respondents has submitted that by the said final decree, the appellant is directed to pay an amount of Rs. 19,730.33 ps. to the heirs and legal representatives of deceased Jivangar. Learned A.G.P. Mr.U.R.Bhatt has produced letter dated November 29, 2000 addressed to the Government Pleader, High Court by the Deputy Executive Engineer, Public Health Sanitary Sub Division, Gujarat Water Supply and Sewerage Board, which mentions that as the appeal was pending in the High Court, dues were not paid to the original plaintiffs.

3. Having gone through the record and proceedings of the appeal and having heard learned A.G.P. Mr. U.R.Bhatt, I am of the view that the learned Trial Judge has not committed any error in extending benefits of Government Resolution to the workcharged employee deceased Jivangar. Therefore, I do not find any merit in this appeal and it has to be dismissed. As the final decree has already been drawn as back as in 1991, it is expected that the appellant shall pay the dues of the original plaintiffs within a reasonable time. With this observation, appeal stands dismissed, with no order as to costs.

(M.H.Kadri, J.)

(patel)

